

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-330

Frank Riepe,)
Appellant,)
)
v.)
)
Town of Framingham and Mark)
Hughes,)
Appellees)
)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from 780 CMR 3603.10.1 (Remoteness) of the Massachusetts State Building Code ("MSBC") for 5 Forest Avenue, Framingham, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on December 7, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant was present and representing the property owners, Daniel Friend and Cheryl Prince, at the hearing. Present and representing the Town of Framingham Building Department was Building Plans Examiner, Mark Hughes. There was no representative present from the Town of Framingham Fire Department.

Discussion

A motion was made to uphold the building official's interpretation of 780 CMR 3603.10.1 of the MSBC which requires that the Appellant install a remote second means

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

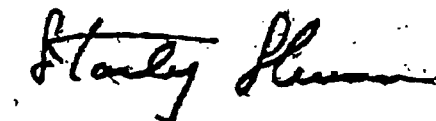
of egress at 5 Forest Avenue, Framingham, MA. The Appellant must install the egress door, in the front, as proposed in the revised plans submitted in order to obtain the building permit or install a staircase onto the back deck. Motion carried 2-1 with Jacob Nunnemacher casting a vote to deny.

Conclusion

Based upon the foregoing the building officials interpretation of the 780 CMR 3603.10.1 is upheld.

SO ORDERED.


JACOB NUNNEMACHER


STANLEY SHUMAN


HARRY SMITH

DATED: January 18, 2007

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*